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4 SELECT COMMITTEE TO INVESTIGATE THE  
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,  
6 U.S. HOUSE OF REPRESENTATIVES,  
7 WASHINGTON, D.C.

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11 DEPOSITION OF: ARTHUR SCHWARTZ

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15 Monday, February 14, 2022

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17 Washington, D.C.

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20 The deposition in the above matter was held via Webex, commencing at 1:59 p.m.

21 Present: Representative Raskin.

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2     Appearances:

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5     For the SELECT COMMITTEE TO INVESTIGATE

6     THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8     [REDACTED] STAFF ASSOCIATE

9     [REDACTED], PROFESSIONAL STAFF MEMBER

10    [REDACTED], INVESTIGATIVE COUNSEL

11    [REDACTED], SENIOR INVESTIGATIVE COUNSEL

12    [REDACTED], PROFESSIONAL STAFF MEMBER

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14

15     For THE WITNESS:

16

17     DANIEL BEAN

18     JARED BURNS

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So it is 1:59 p.m., we'll go on the record.

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4

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Good afternoon. This is a deposition of Arthur Schwartz conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol pursuant to House resolution 503.

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Mr. Schwartz is with us by Webex, and I just ask you to state your full name and spell your last name for the record, please.

8

The Witness. Arthur Schwartz, S-c-h-w-a-r-t-z.

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Thank you. And if you wouldn't mind, if you could please just raise your right hand, we'll have the court reporter swear you in to get started.

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The Reporter. Do you solemnly declare and affirm under the penalty of perjury that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

14

The Witness. I do.

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Thank you, Mr. Schwartz.

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This will be a staff-led deposition and members of the committee may, of course, join and choose to also ask questions. I'll note now that there are no members who are on the Webex, but they might pop in from time to time. And if they do, I'll stop and announce them.

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22

But my name is [REDACTED] I'm a senior investigative counsel on the staff. I'm the only attorney who's on today, and so, otherwise we just have staff who are assisting with the deposition, and then also, the court reporters that you just saw.

23

24

25

So we'll follow the House deposition rules that we've provided to you and your counsel previously with the subpoena and under those rules you are permitted to have your attorney with you.

1           So at this time, I'm going to ask your attorneys to please announce themselves for  
2           the record, and note that we'll wait until the end of my introductory comments as I  
3           believe Mr. -- one of your attorneys has an objection to place on the record. But for  
4           now if they could just state their names.

5           Mr. Bean. Sure. On behalf of Arthur Schwartz, we have the law firm of Abel  
6           Bean Law today, Jared Burns and myself, Daniel Bean. Thank you.

7           [REDACTED] Thank you.

8           Now, Mr. Schwartz, under the House deposition rules, neither committee  
9           members nor staff may discuss the substance of your testimony that you provide today  
10          unless the committee approves release. You, of course, are free to tell anyone or no  
11          one what we discussed here today. That right is entirely yours and your choice to make.

12          Before we begin, I'll just go over a few ground rules. There's an official court  
13          reporter, as you've seen, who is transcribing the record of this deposition. She is also  
14          joining us by Webex and they are also video recording the deposition.

15          Please wait until each question is completed before you begin your response, and  
16          I'll do the same and wait for you to finish before I move on to my next question. That's  
17          just to keep the record clear.

18          The reporter is not able to record nonverbal responses. So if you shake your  
19          head or nod your head, I'll just follow up to ask you to say yes or no. Also, if you say an  
20          acronym or a name that I'm unfamiliar with, I might stop you to ask you to spell that for  
21          the record, and that's just so the record is clear.

22          Now, we ask that you provide complete answers based on the best of your  
23          recollection. And if the question is not clear, just say so and I'll do my best to restate it  
24          and make it more clear. If you don't know the answer, just say so.

25          If you or Mr. Bean need to take a break either to talk between yourselves or just

1 for comfort, just let us know. Happy to do that. We'll go off camera, go on mute.

2 You either can talk in private and come back on when you're ready.

3 I don't think that this will take more than, you know, a couple of hours. So if you  
4 want to just power through, I'm fine to do that, too. But if you want to take a break,  
5 just let me know.

6 Now, throughout the deposition, I have a staff member who's not with me, but  
7 will flash exhibits up for you up on the screen. I shared those with Mr. Bean on Friday,  
8 so hopefully you've been able to look through those.

9 Several of them came from you; several of them came from other witnesses, but  
10 when they're up on the screen, I'll announce them by number and take whatever time  
11 you need to look at them to familiarize yourself with them before you answer any  
12 questions.

13 And if we need to zoom in, just tell us. It can be a bit hard to navigate virtually.

14 I also see that Mr. Raskin has joined us. So I'll say, thank you, sir, for being here.  
15 We're still going over the ground rules for the deposition.

16 Mr. Raskin. Very good. Thank you much.

17 [REDACTED] So what I'm going to do is show you, Mr. Schwartz, just the first  
18 exhibit, which is the subpoena, just so you can see how it'll be displayed. And that's  
19 exhibit 1.

20 And so right there, you can see -- can you see that well enough? Is it zoomed in  
21 or do you need it closer for you to be able to look at these documents?

22 The Witness. I can see it.

23 [REDACTED] You can. Great.

24 So you may only refuse to answer a question to preserve a privilege recognized by  
25 the select committee. If you refuse to answer a question based on a privilege, staff may

1       either proceed with the deposition or seek a ruling from the chairman of the committee  
2       on the objection.   And if the chairman overrules such an objection, you are required to  
3       answer the question.

4               At this time, I understand that Mr. Bean is going to make an objection on your  
5       behalf for the record, so I'll pause so he can do that.

6               Mr. Bean.   Thank you, counsel.

7               So Mr. Schwartz objects to the instant deposition proceedings as the select  
8       committee has not properly and duly authorized, in accordance with House Resolution  
9       503, Section 2 Alpha, 117th Congress 2021, as it is not compromised of 13 members, five  
10      of whom were appointed after consultation with the minority leader.

11              Mr. Schwartz also objects to the instant deposition proceedings as the subpoena  
12      purporting to compel his appearance does not further a valid legislative purpose ancillary  
13      to the legislative authority, but, rather, serves a quintessentially law enforcement  
14      purposes reserved to the authority of the executive branch of the United States, to wit,  
15      investigate facts, circumstances, and causes, as well as expose and punish criminal  
16      behavior and wrongdoing.   All of these are proffered objectives of the select committee  
17      and are devoid of any legislative purpose.

18              Mr. Schwartz also objects to the instant deposition proceedings as to the  
19      subpoena reporting to compel Mr. Schwartz' appearance violates his constitutional rights,  
20      including, but not limited to, his First Amendment right to freedom of speech, freedom of  
21      assembly, his Fourth Amendment right to be free of unreasonable search and seizure, his  
22      Fourth Amendment right that warrants be issued only upon a finding of probable cause,  
23      and finally, his Fifth Amendment right to due process of law.

24              Finally, Mr. Schwartz, objects to this proceeding as a violation of the separation of  
25      powers.   And, lastly, notwithstanding the aforementioned objections, Mr. Schwartz

1 submits to the examination under oath before the select committee as an American  
2 citizen, except where specifically objected to during these proceedings.

3 Thank you.

4 [REDACTED] Mr. Bean, thank you for that. And Mr. Schwartz, I note those  
5 objections on your behalf. I won't go through the responses of the committee in  
6 response to those except to note, for the record, that the committee does not agree with  
7 the objections, but understand that you are still willing to go forward today, which we  
8 appreciate.

9 And so before we begin, I'll remind you as we do all witnesses who appear before  
10 the committee, that it is unlawful to deliberately provide false information to Congress.  
11 And since this deposition is under oath, providing false information could result in  
12 criminal penalties to include for perjury or providing false statements.

13 Do you understand all of that?

14 The Witness. I do.

15 [REDACTED] Any questions before we get started, whether from you, Mr.  
16 Schwartz, or Mr. Bean?

17 The Witness. No, sir.

18 [REDACTED] Okay. Great. Thank you.

19 EXAMINATION

20 BY [REDACTED]

21 Q So just to get started, just to understand a little bit about your background,  
22 Mr. Schwartz. How old are you?

23 A 49.

24 Q And what State do you live in?

25 A Texas.

1 Q And what do you do for a living?

2 A Communications and government affairs consultant.

3 Q And has that been your career for several years now?

4 A Yes, sir.

5 Q All right. And do you have a current company that you work for, or a  
6 company that is your own?

7 A Yes, sir.

8 Q Is that Axium Advisers?

9 A Yes, sir.

10 Q Okay. And just for the record, is it right that it's A-x-i-u-m, Axium?

11 A Correct.

12 Q And how long have you had that company, roughly?

13 A Eight years or so. I can't tell you exactly when it was formed.

14 Q Understood. And did you serve as a government employee within the  
15 administration of President Trump?

16 A No.

17 Q So you're in the private sector with Axium the entire time he served in  
18 office?

19 A Yes, sir.

20 Q Okay. I'm going to go through just a few names just to understand if you  
21 have a professional or a personal relationship with them, just because it'll help us as we  
22 talk about documents and walk through the events, but Donald Trump Jr.? And if it's  
23 okay, and I've done this with Mr. Bean's other clients, if I can just refer to him by Don Jr.,  
24 if you're comfortable with that?

25 A Yes, sir.



1 Q Okay. Don Jr., do you provide professional services to him through Axium  
2 Advisers?

3 A No.

4 Q Is he a friend of yours?

5 A Yes.

6 Q And have you provided uncompensated advice or advisory services over the  
7 years to him as a friend?

8 A I provided advice to him as I do all my friends.

9 Q Understood. Kimberly Guilfoyle, do you know Ms. Guilfoyle?

10 A Yes.

11 Q And have you provided any advice to her through your company, Axium  
12 Advisers, over the years?

13 A No.

14 Q Okay. Have you provided advice to her just as a friend as you have for Don  
15 Jr.?

16 A I'm sure, yes.

17 Q Okay. Do you know Andy Surabian? And for the record, that's  
18 S-u-r-a-b-i-a-n?

19 A Yes.

20 Q Is that a longtime friend of yours?

21 A He's been a friend of mine for several years.

22 Q And to your knowledge, does he provide advice in the same way that you do  
23 to Don Jr.? It's not professionally, but as a friend, as you understand it?

24 A I have no direct knowledge of the specifics of his arrangement with Don Jr.,  
25 but -- so I can't -- you'll have to ask Andy.

1           Q    Understood, but you're aware that he does provide advice whether paid for  
2 or not to Don Jr. from time to time?

3           A    Yes.

4           Q    And do you know a gentleman by the name of Taylor Budowich,  
5 B-u-d-o-w-i-c-h?

6           A    Yes.

7           Q    And how do you know Mr. Budowich?

8           A    I don't remember who introduced us, but through, you know, Republican  
9 political circles.

10          Q    And did you know him prior to the time frame we're going to be talking  
11 about, which is roughly November of 2020 through January of 2021?

12          A    Yes.

13          Q    And do you know Caroline Wren?   That's W-r-e-n.

14          A    Yes.

15          Q    And how did you know Ms. Wren?

16          A    I couldn't tell you how I met her.

17          Q    But same question as I asked about Mr. Budowich, did you know her, at  
18 least, prior to November of 2020, if you remember?

19          A    Yes.

20          Q    And lastly, Katrina Pierson?   That's P-i-e-r-s-o-n.   Have you known Ms.  
21 Pierson since before November of 2020?

22          A    Yes.

23          Q    Now, did you have an official role in the 2020 re-election campaign that  
24 President Trump ran?

25          A    No.

1 Q And after Election Day, so after November 3rd of 2020, did you work for or  
2 on behalf of President Trump's campaign as he continued to challenge the election  
3 results?

4 A No.

5 Q I'm going to focus on mid-December of 2020 through January 6th. Were  
6 you still in Texas in that time frame? Were you living in that State?

7 A No.

8 Q You weren't? Where were you living during those few weeks?

9 A McLean, Virginia.

10 Q All right. Now, just talk briefly about the production of documents you  
11 made, which we appreciate, but have to understand just for the record as we do with any  
12 witness what the process was to try to identify those documents.

13 Did you have any hard-copy files that you went through of any documents to look  
14 through, or you don't keep hard copies?

15 A No. I have no such hard copy records.

16 Q And it looks like from the documents you did produce, they look to be emails  
17 that you would've either sent or received through Axiom Advisers account. Is that right?

18 A I couldn't tell -- I gave access and control over my phone and my email to my  
19 lawyers who used a third-party forensic firm who collected whatever data was requested  
20 by the subpoena.

21 Q Understood. So in terms of the cell phone you said you provided it, is that  
22 just with the number that ends in [REDACTED] as the phone number, the last four digits?

23 A Yes, sir.

24 Q Is that an iPhone?

25 A Yes, sir.

1           Q    Now, included in the materials you produced, by my count -- and Mr. Bean  
2   can correct me if I am wrong -- but it was just five emails which comprised seven pages in  
3   total. And so I didn't see any text messages of any sort. So I'll just ask -- and we do  
4   know you exchanged text messages with, say, Ms. Pierson or Mr. Budowich about this  
5   during the time frame.

6           So as a general matter, do you know why you wouldn't still have text messages  
7   with those folks or others from back in January of 2021?

8           A    Yeah. My phone is not set up to store anything after 30 days.

9           Q    Is there a particular reason why?

10          A    That's -- it's an option on the iPhone that I selected.

11          Q    Understood. So they just sort of been deleted in the normal course?

12          A    Yes.

13          Q    And -- at the time we're talking about, so, again, November 2020 through  
14   January of 2021, were you using any other messaging apps, such as Signal or WhatsApp or  
15   Telegram or Parler, just as a general matter?

16          A    Yes.

17          Q    You were. Do you know whether you delete those just in the normal  
18   course on the regular basis whatever messages you would have sent in that time frame?

19          A    The apps that I used automatically delete at a set time frame, so, yes, they  
20   would have been deleted automatically.

21          Q    Okay. Thank you. So moving to the -- really going to focus on the Ellipse  
22   rally. I mean, that's really the core of it. And so, in the weeks or days leading up to  
23   that rally on the 6th, do you remember how you first learned about or first started talking  
24   about the preparation for the event on the 6th?

25          A    Let's go back for a second. I was not involved in the preparation, so I don't

1 remember.

2 Q I didn't mean to suggest you were. I just meant to say that as it was being  
3 prepared and organized, do you remember when you first -- it was a subject that first  
4 came on your radar?

5 A I don't.

6 Q Okay. I'm going to use a few things for guideposts then to help us, at least,  
7 try to get roughly around the time frame. Okay?

8 A Okay.

9 Q Are you familiar with the fact that Ms. Katrina Pierson met at the White  
10 House to discuss the rally on January 4th, so 2 days before?

11 A Yes.

12 Q Okay. Then we'll go back one day before that, and we can show you an  
13 exhibit if it helps. Are you aware that Matthew Boyle, that's B-o-y-l-e, wrote an article, I  
14 believe, in Breitbart on January 3rd about expected speakers at the event on the 6th?

15 Do you remember that article?

16 A I remember it because it was in the exhibits that my lawyer shared with me  
17 from the committee.

18 Q Understood. Okay. And you probably then saw in those exhibits that you  
19 talked with Ms. Pierson about that on the third. So seems to be that this was something  
20 that you were aware of, at least, by January 3rd?

21 A If that's what the exhibits show.

22 Q Okay. That's what it shows.

23 A Yeah. Yeah.

24 Q So I'm going to try and see if we can go back further, if it jogs your memory.  
25 And, I think, as you've seen in the exhibits, we have phone records of yours and Ms.

1 Pierson and Mr. Surabian's, but I'll show you yours. And it's exhibit 4, and I'll just ask  
2 that to be brought up.

3 And is it big enough that you can see?

4 A Yes, sir.

5 Q Is it all right? Okay. And so, I'll just ground you in the exhibit. It's pretty  
6 self-explanatory, but what it is, these are an annotated version of a portion of your phone  
7 records, and you can see they're displayed with a date and time on the left side followed  
8 by the directions. So whether it was an incoming communication or an outgoing from  
9 your phone, and then the other phone number that you were communicating with, and  
10 the duration in seconds.

11 And then we highlighted certain people, which seemed to be kind of the folks that  
12 we'll hone in on if you were talking to them.

13 And so if you see that, if we can go to the -- page 3 of that exhibit. And if we go  
14 down to the middle, just -- right about there. And if we zoom in -- if you can see  
15 January 2nd --

16 A Yep.

17 Q -- at 3:24 p.m., there's a call that you placed to Caroline Wren for what  
18 maybe is about 6 minutes or so. Do you see that call?

19 A Yes.

20 Q All right, and I'll just ask generally, do you remember having communications  
21 with Ms. Wren about the January 6th event before it took place?

22 A Looking at the phone records, yes, obviously I do, but do I remember what  
23 communications I had with her, no.

24 Q Okay. Fair point, but I guess I'll just ask this time, was this what you would  
25 have been talking with her about? Was there any other business you had with her on

1 January 2nd around this time frame that you remember?

2 A There could have been a number of different things that I might have been  
3 talking to her about.

4 Q But putting the specifics aside, you do have a memory, at least, that you did  
5 talk with her about the event on the 6th even if you don't remember the particulars of  
6 those discussions?

7 A That's fair to say.

8 Q Okay. Okay. I'll ask if you remember -- you have a few phone calls with  
9 Don Jr. before speaking with Ms. Wren, both on the 2nd of January and the 1st. Do you  
10 know whether or not you spoke with him about the event on the 6th before you talked to  
11 Ms. Wren? Do you remember?

12 A I don't remember having any conversations with Don about the event before  
13 it took place.

14 Q Okay. Do you remember talking to Taylor Budowich about the event?

15 A I'm sure I spoke with Taylor about it, but I don't remember the substance of  
16 any conversations that I had with him about it.

17 Q Okay. As you sit here, Mr. Schwartz, do you know what role Taylor  
18 Budowich played with it with regard to the January 6th event at all?

19 A I have no direct knowledge of that.

20 Q How about Ms. Wren?

21 A I had no direct knowledge of what her role was.

22 Q How about Ms. Pierson? Do you know what she was doing, based on what  
23 she was telling you?

24 A I don't remember what we discussed, so I -- I had no direct knowledge, and I  
25 have no recollection the substance of our conversations.

1           Q    After the election in 2020, so after November 3rd, were you generally aware  
2   of what I'll call the Stop the Steal protests that were taking place around the country and  
3   in D.C.?

4           A    I was aware that it was a thing.   I couldn't tell you specifically what it was.  
5   I saw it on social media.

6           Q    Fair enough, which leads into my next question:   Did you, yourself, have  
7   any personal involvement in any such rallies or with the people putting them on?

8           A    No.

9           Q    Did any of the rallies and the messaging around the Stop the Steal, to the  
10   extent you knew, did any of that give you any concern or pause about what was  
11   happening with those prior to January 6th?

12          A    Yes.

13          Q    Okay.   And what about that?

14          A    I was, you know, engaged in efforts to get Senators Loeffler and Perdue  
15   re-elected, and the Stop the Steal crowd, for lack of a better way to describe them, was  
16   telling people not to vote, which was directly contrary to the efforts that I was  
17   undertaking.

18          Q    Not to vote because they were saying you couldn't trust the results or what  
19   did you understand the messaging to be?

20          A    I don't really remember.   The bottom line to me was I knew that they were  
21   telling people not to vote, which was -- didn't seem productive to me.

22          Q    The gentleman named Ali Alexander, otherwise known as Ali Akbar, are you  
23   familiar with him?   Not that you know him personally, but do you know of him?

24          A    Yes, sir.

25          Q    All right.   Did you understand him to be associated with the Stop the Steal



1 movement that we've been talking about?

2 A I had no direct knowledge of what his involvement was, but I seemed to get  
3 that indication from social media that he was involved.

4 Q In other words, he was holding himself out as being affiliated with that?

5 A I seem to recall that that was my impression at the time. You're talking  
6 about what I knew back then, correct?

7 Q Correct, as best you can remember. I know that's difficult.

8 A Right.

9 Q Was there something, in particular, about Mr. Alexander that gave you  
10 pause, separate and apart from the broader Stop the Steal movement?

11 A Just from a comms perspective, I never found the things that he was saying  
12 to be particularly helpful to party politics. I don't have any specific recollection of what  
13 things, but I just didn't view him as being a -- contributing in a positive way.

14 Q Now, if we look at exhibit 6, these are text messages that you exchanged  
15 with Ms. Pierson. We'll bring those up on the screen for you to see. And if we go  
16 down on that first page -- so this is January 3rd at 7:28 p.m., and you write to Ms.  
17 Pierson -- I should ask, do you remember, at least, as a general matter that you were  
18 conversing with Ms. Pierson about the event on the 6th, put aside the specifics?

19 A Vague recollection.

20 Q Okay. And so you ask her, you know, why are we letting our people share a  
21 stage with Ali Akbar and people like that. And do you remember what it is that  
22 prompted you to ask her that question and why you went to her?

23 A I don't remember specifically.

24 Q Obviously, at this point, you had an understanding that she was somehow  
25 involved with the event on the 6th?

1           A    I would have to see more text messages to answer that, to refresh my  
2   recollection, but I don't specifically recall.

3           Q    Okay.  I imagine you wouldn't just text her out of the blue, I guess, because  
4   you're asking her -- go ahead.

5           A    I don't see the preceding text messages, so I don't know how out of the blue  
6   or not it was.

7           Q    Fair enough.  When you refer to "our people share a stage," do you know  
8   who you're talking about there?

9           A    I don't remember.

10          Q    Would you consider President Trump and his family to be our people?  
11   Would you refer to them that way?

12          A    I don't know, because I don't know what the context was there.  So I don't  
13   speak for President Trump, so I would -- I don't know.  I can't say.

14          Q    Would there be anyone else who spoke on the stage of January 6th you'd  
15   consider your people?

16          A    I don't remember exactly who spoke besides Don Jr. and Don I would  
17   definitely consider my people.

18          Q    Understood.  Okay.  And Ms. Pierson writes back, you know, what she  
19   says seeming to express agreement with you.  I don't need to read the words, but you  
20   see that there that she seems to express agreement with your view about them sharing  
21   the stage with Mr. Akbar?

22          A    Yes, sir.

23          Q    All right.  Does that jive with your memory of your conversations with her  
24   that she took the same view with you, just as a general matter?

25          A    It does nothing to refresh my recollection.

1 Q Okay.

2 A Sorry.

3 Q You don't have to apologize. What is -- what would the reason be, though,  
4 that you'd be concerned about, say, Don Jr., at least, sharing a stage with someone like Ali  
5 Akbar and people like that?

6 A I had Don Jr. going down to Georgia for -- to rally and headline events for  
7 Senators Loeffler and Perdue, and you had this gentleman telling people not to speak.  
8 Just from a comms perspective, it didn't seem like a good idea to me to have someone  
9 who's telling people not to vote on the same stage as Don who's trying to get people out  
10 to vote.

11 Q Now, the event on the 6th was going to be after the Georgia runoff. Isn't  
12 that right, which was on January 5th?

13 A Correct.

14 Q All right. So there wasn't any other reason why you were concerned about  
15 Don Jr. after the Georgia runoffs appearing on the stage with Ali Akbar?

16 A These texts were dated January 3rd, and I believe the Breitbart article that  
17 you were talking about was -- preceded that. So it's -- from a comms perspective, it's  
18 not necessarily, like, well, the runoff was on the 5th and the event was on the 6th. If the  
19 information was out there before the 5th, then it's the same comms problem regardless  
20 of when the actual event would be.

21 Q And so do you remember now that we're talking about it whether it was that  
22 article in Breitbart published that night that prompted you? You just don't know?

23 A I don't. It's the only relevant piece of information that I've seen, so I  
24 can't -- I can't speak about the entire universe of information that was going through my  
25 head back then. I just don't remember.

1           Q    If we flip to page 2 of this exhibit, at the top there, you see Ms. Pierson still  
2   on the evening of January 3rd, so at 9:20 p.m., she references the article it appears by  
3   saying, "By the way, Boyle should have asked his, quote/unquote, organizer, if they are on  
4   the permit."

5           Do you know who she was referring to there with the word "organizer" in  
6   parenthesis?

7           A    In quotes, do you mean?

8           Q    In quotes. I'm sorry. You're right.

9           A    I do not.

10          Q    Did you ever have a conversation with her about the fact that she believed it  
11   was Caroline Wren who leaked the speaker list to Breitbart, and Mr. Boyle, in particular?

12          A    I don't remember.

13          Q    Did you ever talk to Mr. Boyle about this article, either before or after it was  
14   published?

15          A    I don't remember.

16          Q    Is he someone that you keep in touch with --

17          A    Oh, I mean, I talked to Matt often.

18          Q    So it's possible you did, but you don't remember if you did or didn't?

19          A    I don't remember the specifics of any conversation.

20          Q    Now, the next morning, or at 4:21 a.m. on January 4th, you sent a message  
21   to Ms. Pierson that said, Sent this to Scavino, dot, dot, dot. And she likes an image.  
22   Now, we don't -- she likes it, it appears, and we don't have the image.

23          Do you know what you would've sent to Mr. Scavino on January 4th at that time?

24          A    No, I have no idea.

25          Q    Is Mr. Scavino someone that you would text with at this time that we're

1 talking about in January of 2021?

2 A Yes.

3 Q Would you also talk to him on occasion at that time, in and around that  
4 time?

5 A Yes.

6 Q Do you recall ever speaking to Mr. Scavino about the January 6th rally before  
7 it took place?

8 A I do not.

9 Q Now, sticking with the third, if we look at -- I think what I'll show is exhibit 7,  
10 which were Ms. Pierson's call records. So I blacked out her other numbers, but kept the  
11 same numbers that were highlighted on your call records, and then also added your  
12 number where it shows up, but if we can focus on page 3, right, and we'll start there.  
13 And then we'll work our way down, but I just want to highlight something before I get to  
14 the question, Mr. Schwartz.

15 But you'll see on January 2nd, highlighted in red at 4:24 p.m., that Ms. Pierson has  
16 an incoming call from Mark Meadows. Now, is Mr. Meadows someone that you were  
17 communicating with at this time in January of 2021, whether by text or phone?

18 A No.

19 Q If we continue on down that exhibit 7, you'll see that Ms. Pierson has  
20 additional communications with Mr. Meadows on January 3rd before she talks to you, a  
21 couple calls with him, and also calls with Caroline Wren and Taylor Budowich. And if we  
22 continue on, also has at 4:58 p.m. and 6:16 p.m. on the 3rd of January still, calls with Dan  
23 Scavino, or communications with Mr. Scavino. And then later that evening at 7:33 p.m.,  
24 she calls you, Ms. Pierson calls you. And if we go down to the next page, page 4, still on  
25 the evening of January 3rd, you call Ms. Pierson and the two of you have over a

1 10-minute long conversation.

2 You've seen all those records? I think I fairly summarized them.

3 A Yes, sir. Yep.

4 Q Do you recall in your conversations with Ms. Pierson, the evening of  
5 January 3rd, any discussions of her communications with the White House about the  
6 event on the 6th?

7 A I don't remember.

8 Q Do you remember whether she told you she spoke to Mr. Meadows or Mr.  
9 Scavino about the event?

10 A I don't remember.

11 Q Did she tell you that evening that she'd be meeting at the White House the  
12 next day on January 4th?

13 A I don't remember.

14 Q If we -- do you remember talking to Ms. Pierson or communicating with her,  
15 at least, after her meeting at the White House on the 4th?

16 A I don't remember.

17 Q So we'll go on and we'll look at exhibits -- make sure I get the right one.  
18 Exhibit 6, again, if we can bring that up, and if we go to page 2. And at 4:36 p.m., if you  
19 see in the middle of that page on January 4th, Ms. Pierson texts you, "we won" and you  
20 write back to her immediately, "oh, I heard." "Rock. Star."

21 Now, do you know what she was referring to there?

22 A At the time obviously I did, but as I sit here today, I don't remember.

23 Q Do you know who you heard from in advance that whatever she had been  
24 doing she won?

25 A I don't know what she's talking about, so I definitely don't remember what I

1 might've heard in advance.

2 Q You follow up then at 8:14 p.m. to say, "That's literally 100 percent of the  
3 words that I communicated to Don about this and I haven't spoken to KG at all this week."

4 Do you see that?

5 A Yes.

6 Q All right, and so what were you conveying there? What words had you  
7 conveyed to Don?

8 A I don't know. I don't remember.

9 Q And is Don Don Jr.?

10 A I believe so.

11 Q Right. You write on after that, "KG," is that Kimberly Guilfoyle?

12 A Yeah.

13 Q Is that yes?

14 A Yes. Yes, sir.

15 Q Ms. Pierson goes on after that -- well, maybe we should go -- let me ask this:  
16 Do you remember that Ms. Guilfoyle -- hearing that Ms. Guilfoyle got quite upset because  
17 she believed she'd been cut out of the speaker list for the January 6th event?

18 A I don't remember.

19 Q So if we look at exhibit 2, these are text messages between Katrina Pierson  
20 and Kimberly Guilfoyle starting on January 4th. Did you have a chance to review these  
21 since they were provided on Friday? You've seen them?

22 A Yes, sir.

23 Q Okay. Fair to say that, at least just on the face of them, not saying you  
24 know, but they reflect that Ms. Guilfoyle was upset because she thought she was cut out  
25 of the speaker's list for the 6th?

1           A    Yeah, but I have no direct knowledge of, you know --

2           Q    Understood.

3           A    -- what she was thinking or feeling.

4           Q    On page 2 of this, though, I just want to highlight, Ms. Pierson tells Ms.  
5    Guilfoyle in her response at 6:22 p.m. on the 4th, in the middle, "I submitted a list with  
6    everyone on it, including you and Don speaking before POTUS, per usual, and it came  
7    back very minimal. It's so frustrating because I've never had so much interference."

8           She continues with another message: "Caroline made the list."

9           And then, again, continues: "I'm not sure what happened, but it's not my place  
10   to argue with WH," or White House.

11          And Ms. Guilfoyle responds on the 4th at 6:37 p.m.: "Yeah, and this the list we  
12   approved."

13          And she clarifies: Yea. This is the list we approved.

14          And so that brings up a question. Mr. Schwartz, did you ever see a list of  
15   speakers that Ms. Guilfoyle is referring to?

16          A    I don't remember seeing any such list.

17          Q    Did you ever discuss with Ms. Guilfoyle a list of speakers for the event on the  
18   6th before it took place?

19          A    I have no recollection of having any such conversation with her.

20          Q    Okay. Did you ever have a conversation with Don Jr. about the list of  
21   potential speakers before the event took place?

22          A    I have no recollection of having any such conversation with him.

23          Q    Do you have a recollection of ever talking to him at all about the event on  
24   the 6th before it took place?

25          A    Honestly, no. I don't -- I don't think that I did, but, you know, if there are



1 texts that suggest otherwise, then that's what they suggest, but I don't recall having any  
2 conversations with him about it.

3 Q Okay. Well, to that point, let's look at exhibit 8. And this is a group text  
4 message between Ms. Pierson, yourself, and Taylor Budowich that Ms. Pierson produced  
5 starting on January 4th.

6 A Uh-huh.

7 Q And just want to direct your attention to 6:39 p.m. on the 4th, Ms. Pierson  
8 says to you and Mr. Budowich: "You guys may want to let her know that this event was  
9 being organized and planned before -- long before she was even aware of it. I'm not  
10 going to play that game with her or Caroline," which you liked at 6:40 p.m.

11 Do you know what Ms. Pierson was referring to in that message? Was it about  
12 Ms. Guilfoyle?

13 A I don't remember.

14 Q And at 6:42 p.m., Ms. Pierson continues: "And she said that she and Don  
15 approved Caroline's list." You see that?

16 A Yep.

17 Q All right. And consistent with what we saw in the earlier exhibit where Ms.  
18 Pierson and Ms. Guilfoyle exchanged messages and Ms. Guilfoyle said that she and Don  
19 had approved the list, fair to say?

20 A Yep.

21 Q All right. And you laughed at that comment and then at 7:15 p.m. still on  
22 the 4th, you respond: "Don was going to pull out when he heard the list. Only agreed  
23 to stay in once he heard that DJT was going to be there. He didn't approve jack shit."

24 So do you remember sending that message?

25 A I don't.

1 Q And when you say Don, I imagine that's you referring to Don Jr., though?

2 A Yes, sir.

3 Q All right. And DJT is President Trump?

4 A Yes, sir.

5 Q So you don't have any recollection of how you learned these facts to tell Ms.  
6 Pierson?

7 A As I sit here today, I don't have any recollection.

8 Q Fair enough. So on the 6th you were living in McLean, Virginia?

9 A Yes, sir.

10 Q Were you in the D.C. area on the day of the 6th in McLean?

11 A I believe I was home all day.

12 Q Did you come downtown for the Ellipse rally?

13 A No.

14 Q All right. If I can show you your phone messages just to get a sense of your  
15 day, but to the best of your memory, you were home all day from morning till night?

16 A I believe so, yes.

17 Q Certainly didn't come into the city that day?

18 A I can't say with absolute certainty, but I would be very surprised to learn that  
19 I was in the city that day.

20 Q If we look at on exhibit 4, and page 4, in particular, towards the bottom,  
21 you'll see there that what looked to be a fairly brief communications with Don Jr. the  
22 morning of the 6th, looks like you reach out to him at 10:38 a.m., but then he calls you  
23 back at 10:40 a.m.

24 Do you remember what these conversations were about?

25 A I don't.

1 Q Did you watch him speak in real time, that is, Don Jr. at the event on the  
2 Ellipse?

3 A I don't believe so, no.

4 Q Do you know whether you helped him draft his speech or prepare his  
5 remarks in advance?

6 A I don't remember doing so, but I don't -- I don't generally do that, so --

7 Q That would be out of the ordinary if you did?

8 A Yeah.

9 Q Okay. Do you recall watching the rally to see President Trump speak as it  
10 was taking place in real time?

11 A I don't.

12 Q Do you remember when you first learned that there was violence at the  
13 Capitol that day?

14 A I don't. I don't.

15 Q At some point that day, though, I imagine you learned about it?

16 A Yes.

17 Q So if we can look at -- give me one second. Look at exhibit 5. This looks  
18 to be a tweet that you sent, and if we can show you at the bottom of that tweet, 2:34  
19 p.m. on January 6th, 2021. And if we go back up to the text, it says: "This isn't  
20 revolution. This is rioting. No different than what the Black Lives Matter, Inc. thugs  
21 do. It's disgraceful and they belong in prison."

22 And it's you apparently retweeting someone named Elijah Schaffer who had  
23 tweeted out: "Breaking: Revolution in process as Trump supporters break into the  
24 Capitol building, attacking police, breaking windows, and knocking down doors." So did  
25 you send this tweet out?

1           A    Yes.

2           Q    And so certainly by this time you were aware by 2:34 p.m. of the violence at  
3 the Capitol?

4           A    I think that's fair to say.

5           Q    Okay. Fair to say you monitor social media fairly closely as part of your job  
6 and what you do day-to-day?

7           A    Not every day all day, but generally speaking.

8           Q    And were you following President Trump on Twitter at this time?

9           A    Can you just clarify what you mean by following him?

10          Q    That's the only term I know. I mean, someone you can follow their Twitter  
11 accounts?

12          A    Oh, okay. Got you. Yeah. Yeah, but following doesn't mean I'm  
13 watching everything that comes out of their Twitter account.

14          Q    Fair enough. But he's an account you were following at the time?

15          A    I believe so, yes, sir.

16          Q    Do you recall seeing throughout the day, message or tweets that the  
17 President was sending as the violence was still taking place at the Capitol?

18          A    I don't remember.

19          Q    You don't remember -- do you remember having an opinion on whether the  
20 President should be doing more or less in response to the violence?

21          A    I don't remember.

22          Q    Do you recall talking to Don Jr. at all during the time that the violence was  
23 taking place at the Capitol on the 6th?

24          A    I don't.

25          Q    Did you have an opinion during that time, just as a friend, whether he should

1 be speaking out publicly about the violence and telling people to stop?

2 A I don't remember.

3 Q If you look at exhibit 10, this is a tweet that Don Jr. sent out -- we can show  
4 you -- at 2:17 p.m. on January 6th of 2021 where he says: "This is wrong and not who  
5 we are. Be peaceful and use your First Amendment rights, but don't start acting like the  
6 other side. We have a country to save and this doesn't help anyone," and it's a retweet  
7 of Elijah Schaffer, just a different message, but about Trump supporters having breached  
8 the Capitol building.

9 Do you recall talking to Don Jr. about this tweet and him sending it out?

10 A I don't.

11 Q I'm going to show you exhibit 11, which are Mr. Surabian's phone calls, or  
12 phone records, and direct your attention to page -- give me one second -- 5.

13 Now, you can see that -- do you remember whether you talked to Mr. Surabian on  
14 the 6th during the afternoon while the violence was ongoing about the attack on the  
15 Capitol?

16 A I don't remember.

17 Q Okay. Have you talked to him since about whether he spoke with Don Jr.  
18 during this time and what they talked about?

19 A I have not discussed any of this with him in recent months. I don't  
20 remember what I may have discussed with him before that.

21 Q And I just want to direct your attention to starting at 4:12 p.m., if you go  
22 down just a little bit, still on the 6th, if you see there at 4:12 p.m. on the 6th, Mr. Surabian  
23 calls you and you see it's logged there for 458 seconds?

24 A Yeah.

25 Q So my math is not great, but a little over 7 minutes -- between 7- and

1 8-minute long call, okay?

2 A Yeah.

3 Q All right. So that's at 4:12. At 4:16, so before your call with him is over,  
4 Mr. Surabian also calls Don Jr., do you see that, at 4:16 p.m.?

5 A Yeah.

6 Q Right. And that call is logged for 220 seconds. And right after that, still at  
7 4:16 p.m., Mr. Surabian outgoing call to a conference server. Do you see that?

8 A Yeah. I don't know what that means.

9 Q Right, but what I'll ask is, do you recall being on a group call with Don Jr. and  
10 Andy Surabian at this time?

11 A I don't.

12 Q All right, and I'll put more particulars around it. This is right at the  
13 time -- right as President Trump is tweeting at 4:17 p.m. his message, or his video, to the  
14 rioters to go home.

15 Do you recall the fact that he sent out a video that afternoon to tell people to go  
16 home?

17 A Vaguely, yes.

18 Q And so, again, I'll come back to and I have to ask, you don't recall being on  
19 the phone with Don Jr. and Andy Surabian at the time the video came out?

20 A I don't. I mean, these are guys I talk to every day, so I don't remember.

21 Q I get that, but how many times have you talked to them during an attack on  
22 the Capitol?

23 A I'm just telling you, as I sit here today, I don't remember the calls that I had  
24 that day. If you told me that there were no phone records between me and Don, I  
25 would've believed you. I just don't remember.

1 Q Have you ever talked to Don Jr. since the 6th about his efforts to reach his  
2 father, the President, while the attack was ongoing at the Capitol?

3 A Not that I recall.

4 Q And so has he ever talked to you about text messages he sent to Mark  
5 Meadows on the afternoon of the 6th trying to get him to tell his father to send a  
6 message out?

7 A Not that I recall.

8 Q Are you aware that these text messages, or some of them, have been made  
9 public by the select committee?

10 A I've seen headlines. I don't remember exactly what was made public, but  
11 I've seen headlines, news stories about it, but the specifics I'm not fully briefed on.

12 Q Fair enough. Have you talked to Don Jr. just about the fact that the news  
13 reports about his texts being public?

14 A I've not had any conversations with him in recent months and I believe I  
15 stopped discussing this with him prior to that being made public.

16 Q How about Ms. Guilfoyle? Have you talked to her about her experience on  
17 the 6th at all since that day that you know of?

18 A Not that I recall and I don't speak to her very frequently.

19 Q Understood. Now, turning back to your tweets in exhibit 5, and going to  
20 page 2, on January 10th of 2021, at 7:51 p.m., it looks like you retweeted a tweet from an  
21 account of Jerry Dunleavy saying that Ali Alexander has been suspended from Twitter.  
22 And you said: "Finally some good news." So is that a tweet you sent out, the "finally  
23 some good news"?

24 A Apparently, yes.

25 Q Do you remember sending it out?

1 A Not specifically, no.

2 Q Okay. But seeing it now here, do you know why you responded to news  
3 that he was suspended from Twitter with finally some good news?

4 A Do I remember specifically why I said that? No. It goes back to the  
5 answer I provided previously. I don't think that he's a particularly helpful person when it  
6 comes to the party politics or messaging.

7 Q And as you sit there, do you know whether or not Kimberly Guilfoyle was  
8 paid for speaking at the Ellipse rally on January 6th?

9 A I had no involvement in that and I have no direct knowledge of it.

10 Q Had you discussed with people whether she was?

11 A Not that I recall.

12 Mr. Bean. Hold on one second, Mr. Schwartz.

13 [REDACTED] Not with your lawyers. Not with your lawyers.

14 Mr. Bean. Thank you. Thank you.

15 [REDACTED] Never looking for a conversation with Mr. Bean or your lawyers.

16 The Witness. Right. I don't recall specifically.

17 BY [REDACTED]

18 Q If we look at exhibit 12, I'll represent to you and you've seen this, this is what  
19 we produced on Friday, but this is something produced by Mr. Budowich with Mr. Bean's  
20 help, but it's a text message chain between you, Mr. Surabian, and Mr. Budowich on  
21 January 7th of 2021.

22 Have you had a chance to review this?

23 A Yes.

24 Q Okay. And do you understand that this, at least, concerns whether Don Jr.  
25 was paid for having spoken on the 6th?



1           A    Yes.

2           Q    Do you know whether he was paid for having spoken on the 6th?

3           A    I don't have any direct knowledge of that.

4           Q    Have you spoken to him about that?

5           A    I don't recall having a conversation with him about that.

6           Q    Did any -- sorry.   Go ahead.

7           A    I don't recall, as I'm sitting here today, having a conversation with him about  
8   that.

9           Q    Have you talked to Mr. Surabian about that beyond this text message,  
10   whether he's talked to Don Jr. about a possible payment?

11          A    I don't specifically recall, but it's in the text messages, it's possible.

12          Q    Okay.   And same question as to Mr. Budowich.   Do you know whether Mr.  
13   Budowich would have talked to Don Jr. about this?

14          A    You'd have to ask Taylor.   I don't know.

15          Q    So just so we're clear on what the text exchange is, Mr. Budowich sends a  
16   link to a story at 9:52 p.m.   Now that's UTC or Greenwich Mean Time, so not East Coast  
17   time, but it's on the 7th of January of 2021, and it's a link to a story about the Republican  
18   Attorney Generals Association having supported robocalls on behalf of the Ellipse event.

19               And Mr. Budowich then follows up to say:   "I don't know if the Don getting paid  
20   was real, but someone better tell him he should take anything."

21               And did you understand the reference to the "Don" being Don Jr. there?

22          A    I don't recall this text exchange, but as I'm sitting here reading it now, I'm  
23   assuming, yes, that was Don Jr.

24          Q    And Mr. Surabian responds:   "Just told him," at 9:55 p.m. and then you  
25   respond within a minute:   "Does it say he was getting paid in there?"   And presumably

1       you were referring to the news report, I think.   Is that right?

2               A     I think that's a fair assumption, but I can't say with absolute certainty  
3       obviously.

4               Q     Certainly, Mr. Budowich takes that assumption because his response, is:  
5       "No.   Just a hit on the AGs, but people have been digging I'm sure."

6               And then he continues:   "I've been contemplating trying to get ahead of it a bit  
7       and just bury her," to which you respond at 10:02 p.m., "hashtag, me too."

8               So who is the "her" in that?

9               A     I don't remember.   Could have been a reporter, I don't know.

10              Q     Could it have been Ms. Guilfoyle?

11              A     Could have been, but I don't know.   I'm not going to speculate.   I have no  
12       idea.

13              [REDACTED]   I'm going to stop there and see if anybody has any questions.   I  
14       don't know if I have any colleagues on, but just give me a second, okay, Mr. Schwartz.  
15       We're almost done.

16              The Witness.   Sure.

17              [REDACTED]   If anybody does have any questions, please feel free to go off mute  
18       and ask.   I don't see any.   Just give me a moment to review my notes and we're almost  
19       there.

20              The Witness.   Okay.

21              Mr. Bean.   [REDACTED] did you want to take a break or did you want to --

22              [REDACTED]   I know it's awkward just to stare at me, but I'll be done in just a few  
23       seconds.   I promise.

24              Mr. Bean.   You look good looking at your notes.

25              [REDACTED]   Oh, that's nice.   Thank you for that.   I think that's it.

1           Mr. Schwartz, thank you for taking the time out of your schedule and for spending  
2   part of your Valentine's Day with us.   Maybe not how you envisioned it, but we do  
3   appreciate it.

4           And we will close the record at this time at 2:53 p.m.

5           [Whereupon, at 2:53 p.m., the deposition was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

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Witness Name

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Date